



U.S. Department of Justice

*United States Attorney
Southern District of New York*

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/2/23

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 29, 2023

By ECF

Honorable Victor Marrero
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Request GRANTED.

The Government's deadline to respond is hereby extended until October 13, 2023.

SO ORDERED.

10/02/23

DATE


VICTOR MARRERO, U.S.D.J.

Re: *United States v. Leonardo Pina, 01 Cr. 619 (VM)*

Dear Judge Marrero:

The Government respectfully writes to request an additional approximately two-week extension of the deadline for submitting its response to the defendant's Motion for Modification of Sentence to Add Supervised Release or Non-Reporting Supervised Release (the "Motion"). (Dkt. 414). In the Motion, the defendant asks the Court to modify his sentence to include a period of supervised release, which he contends would enable him to gain the benefit of First Step Act ("FSA") time credits that he has earned while serving his sentence in this case. (Mot. at 1-2). Under 18 U.S.C. § 3632(d)(4)(A), federal prisoners may be eligible to earn FSA time credits for successfully completing evidence-based recidivism reduction programming or productive activities. FSA time credits earned under 18 U.S.C. § 3632(d)(4) shall be applied toward time in prerelease custody or supervised release. *See* 18 U.S.C. § 3632(d)(4)(C). Section 3632 states, however, that certain prisoners are ineligible to apply earned time credits. Based on my discussions with counsel for the Bureau of Prisons ("BOP"), BOP is currently assessing the defendant's eligibility for having his FSA time credits applied toward his placement in a residential reentry center or home confinement and that assessment is expected to be completed within the next approximately two weeks. Assuming the Court has the authority to modify the defendant's sentence as requested in the Motion, the Government respectfully submits that the outcome of BOP's assessment may render the defendant's pending request moot and/or provide insight into whether, if the Court were to modify his sentence as requested, the defendant would nevertheless be ineligible to apply his earned FSA time credits toward early release. Accordingly, the Government requests additional time to allow BOP to complete its assessment before submitting

By: /s/
Timothy V. Capozzi
Assistant United States Attorney
Tel: (212) 637-2404